

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-353-1
Relating to Exemptions Under Section 27156
of the Vehicle Code

MILLER CATALYZER CORPORATION
"USED AFTERMARKET CATALYTIC CONVERTERS"

WHEREAS, Vehicle Code Sections 27156 and 38391, and Title 13, California Code of Regulations (hereafter "CCR") Section 2222(i), authorize the California Air Resources Board (ARB) and its Executive Officer to exempt used aftermarket catalytic converters from the prohibitions of Vehicle Code Section 27156.

WHEREAS, Miller Catalyzer Corporation of 3295 Depot Road, Hayward, California 94545, has applied to the ARB for exemption from the prohibitions in Vehicle Code Sections 27156 and 38391 to market used original equipment (OEM) two-way or oxidation catalytic converter (OC), three-way catalytic converter (TWC), three-way plus oxidation catalytic converter (TWC + OC), and precatalyst in California. Miller Catalyzer Corporation shall salvage OEM catalytic converters, including those monitored by the on-board diagnostic II (OBD-II) system, test and replace the end pipes, as necessary, and re-sell them for installation on vehicles with the same engine family as the vehicles from which the catalytic converters have been recovered.

WHEREAS, pursuant to the authority vested in the Executive Officer by Health and Safety Code Section 39515 and in the Chief, Mobile Source Operations Division by Health and Safety Code Section 39516 and Executive Order G-45-9, the ARB finds that Miller Catalyzer Corporation laboratory screens used catalytic converters using test procedures acceptable to the ARB and, therefore, complies with the California Vehicle Code Section 27156 and Title 13, California Code of Regulations, Section 2222(i).

IT IS HEREBY RESOLVED that used catalytic converters tested by Miller Catalyzer Corporation are exempt from the prohibitions in Vehicle Code Sections 27156 and 38391 for installation on the appropriate vehicles subject to the following conditions:

1. Used catalytic converters marketed in California must attain the minimum conversion efficiencies shown below within the specified time after the exhaust is switched from the straight pipe to pass through the catalytic converter:

Minimum Conversion Efficiency for Non-OBD-II Monitored Catalysts

<u>Converter Type</u>	<u>HC</u>	<u>CO</u>	<u>NOx</u>	<u>Time</u>
OC	70%	70%	-	60 sec
TWC	70%	70%	60%	60 sec
TWC + OC	70%	70%	50%	60 sec
Precatalyst	40%	40%	-	60 sec

Minimum Conversion Efficiency for OBD-II Monitored Catalysts

<u>Converter Type</u>	<u>HC</u>	<u>CO</u>	<u>NOx</u>	<u>Time</u>
OC	70%	70%	-	60 sec
TWC	70%	70%	60%	60 sec
TWC + OC	70%	70%	50%	60 sec
Precatalyst	70%	70%	-	60 sec

2. No changes are permitted to the test procedures or the OEM catalytic converters as certified by the vehicle manufacturer, beyond those stated on this Executive Order. Any changes to the test procedures or the catalytic converters or any of their components, and other factors

addressed in this order must be evaluated and approved by the ARB prior to marketing in California.

3. Marketing of the catalytic converters for application other than for vehicle models with which they were originally certified or marketing of the catalytic converters for application that may cause adverse emission impact shall be prohibited, unless prior approval is obtained from the ARB. Exemption of the used catalytic converters shall not be construed as an exemption to sell, offer for sale, or advertise any component of the catalytic converters as an individual device.
4. Any oral or written references to this Executive Order or its content by Miller Catalyzer Corporation, its subsidiaries, principals, agents, employees, distributors, dealers, or other representatives must include the disclaimer that the Executive Order or the exemption it provides is not an endorsement or approval of any emission reduction claims for the catalytic converters and is only a finding that the bench-tested catalytic converters are exempt from the prohibitions of Vehicle Code Sections 27156 and 38391.
5. Miller Catalyzer Corporation must submit to the ARB for review their quality audit data or quality control procedures, as well as their production quantity data for each catalytic converter type produced. This information must be submitted on a semi-annual basis no later than August 15 and February 15 for each production year.
6. Miller Catalyzer Corporation will be required to adopt new bench test procedures or demonstrate the adequacy of the existing procedures should the ARB determine that a new bench test procedures may be more appropriate for testing used catalytic converters based on the following: (a) If a new regulation requires a change in the test procedures or required minimum conversion efficiency of any of the pollutants, (b) If new information shows that the current procedures have become inadequate due to new automobile or test equipment technology.

Violation of any of the above conditions shall be grounds for revocation of this order. The order may be revoked only after ten day written notice of intention to revoke it, during which period the holder of the order may request in writing a hearing to contest the proposed revocation. If a hearing is requested, it shall be held within ten days of receipt of the request, and the order may not be revoked until a determination is made, after the hearing, that grounds for revocation exist.

Executed at El Monte, California, this 14th day of October 1999.


R.B. Summerfield, Chief
Mobile Source Operations Division